

REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

Applicant has submitted replacement drawing sheets to correct lead lines. No new matter was entered.

In the Office Action, the Examiner rejected claims 1, 4-14 and 17-20. Claims 1, 7, 10, 14, 18 and 20 have been amended, without intending to abandon or publicly dedicate any patentable subject matter, to further clarify the subject matter regarded as a claimed embodiment of the invention. As such, claims 1, 4 – 14, 17 - 20 are currently pending.

OBJECTION TO THE DRAWINGS

1. In the Office Action, the Examiner objected to the drawings received on 12/17/06. The Examiner stated “These drawings are objected to because there doesn't appear to be any lead lines for 130 or 140 in Figures 1 b and c. Figure 4 does not show the texture of foam material as claimed.” Applicant is herein supplying replacement drawing sheets for Figures 1 b and c. In regards to Figure 4, Applicant has herein amended claims 10 and 18, without intending to abandon or publicly dedicate any patentable subject matter, to delete the claimed form material. As such, Applicant does not believe any amendment to Figure 4 is required. Applicants will file formal drawings, if needed, when the application is allowed.

REJECTION OF CLAIMS 7, 10 and 18 UNDER 35 USC §112, SECOND PARAGRAPH

In the Office Action, the Examiner rejected claims 7, 10, and 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The

Examiner stated, “It isn't clear what applicant means by relatively stiff flat material which is also sufficiently flexible as claimed in claim 7 of flexible foam sheeting as claimed in claims 10 and 18. How is it relatively stiff and yet sufficiently flexible?” Applicant has herein amended claims 7, 10 and 18 to delete “flexible” from these claims. As such, Examiner’s rejection is moot and Applicant respectfully requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. 112, second paragraph.

REJECTION OF CLAIMS 1, 4-6, 14 and 20 UNDER 35 USC §102(b)

In the Office Action the Examiner rejected claims 1, 4-6, 14 and 20 under 35 U.S.C. 102(b) as being anticipated by Crispi '062. The Examiner stated, “Note Figure 7 of Crispi showing a 3D cover for a tissue box formed as a human head with a flexible bag 19 defining a 2D material which is considered to be flexible as most bags are.”

Applicant respectfully disagrees. In regards to claim 1, Applicant has herein amended independent claim 1 to now recite, in relevant part,

“...the first structural material joined, with a seam, with either with a second end portion of the first structural material or an end portion of an appropriately sized second relatively stiff, thin and flat structural material thereby forming the 3D structural shape where the first continuous structural surface is collapsible and capable of naturally restoring the 3D structural shape when the first continuous structural surface is deformed; and

the first continuous structural surface being joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape at the location resulting in the 3D cover where, when placed over the object, the cover material substantially covers a top portion of the object.”

Support for this amendment may be found in the specification in paragraphs [0036] and [0039] and in the figures. Applicant's invention is directed to a "**3D cover where, when placed over the object, the cover material substantially covers a top portion of the object**" In contrast, in Crispi, column 2, lines 15-18, it states "...the object of the present invention to provide a holder which can easily be affixed to a standard tissue box and which can easily be fitted with a waste receptacle bag to receive soiled tissues." The invention in Crispi as described and shown in Figure 7, is a tissue box holder with waste bag. This holder does not cover a top portion of an object, as Applicant's invention is intended for. Furthermore, Applicant's invention includes a "**(2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape at the location resulting in the 3D cover where, when placed over the object, the cover material substantially covers a top portion of the object.**" The Examiner has equated the waste receptacle bag 19, of Crispi, to Applicant's cover material. The waste receptacle bag is intended to receive soiled tissues for disposal. In column 3, lines 10-12, it states, "The waste bag is not emptied but is removed and disposed of with the soiled tissues..." One skilled in the art would not be taught by Crispi's disposable waste bag to provide Applicant's cover material to be placed over an object to substantially cover a top portion of the object. Furthermore, Applicant's structural surface is **joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material.** In Crispi, the opening of the waste receptacle bag is held in place by a back wall and there is no structure joined, with a seam, to a surface of the bag. Also, the bag does not further support the 3D structural shape. Furthermore, Applicant's structural material is **joined, with a seam.** In contrast, Crispi, in column 2, lines 43-45, states "Notched ends of the encircling arms provide a means to lock the unit around the tissue box." The invention in Crispi is intended for ease in assembly, hence the teaching of the notched ends. As such, one skilled in the art would not be taught the seam joining of Applicant's invention. Also, Applicant's **structural surface is collapsible and capable of naturally restoring the 3D structural shape.** In Crispi it states, in column 2, lines 31-33, "The holder folds flat when not in use and can easily be stored in a drawer

or cabinet.” There is no teaching in Crispi that the holder is capable of naturally restoring a 3D shape. The holder in Crispi must be assembled.

For the numerous reasons stated above, Applicant does not believe that Crispi anticipates Applicant’s invention as claimed in amended claim 1. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 102(b) rejection of claim 1.

Regarding claims 4-7 and 10, these claims are written in dependent form and depend from claim 1. As such, claims 4-7 and 10 have at least all of the limitations of claim 1 and are not anticipated by Crispi. Furthermore, regarding claim 5, the Examiner states “...3D cover for a tissue box formed as a human head...” In Crispi, column 2, line 60, it states, “The holder may be decorated with a printed design.” The head, shown in figure 7, is clearly shown as flat 2D Illustration. Applicant's 3D structural shape is a head as claimed. As such, for reasons stated above, Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 102(b) rejections of claims 4-6.

Regarding independent claim 14, Applicant has herein amended claim 14 to now recite, in relevant part,

“...joining, with a seam, a first end portion of the first structural material either with a second end portion of the first structural material or an end portion of an appropriately sized second relatively stiff, thin and flat structural material, thereby forming a continuous structural surface comprising a 3D shape encompassing a cross-sectional area where the continuous structural surface is collapsible and capable of naturally restoring the 3D shape when the continuous structural surface is deformed; and joining, with a seam, the continuous structural surface to a location on a surface of a substantially two-dimensional (2D), relatively flexible cover material where the cover material further supports the 3D structural shape

resulting in the 3D cover where, when placed over the object, the cover material substantially covers a top portion of the object.”

Applicant's invention is directed to method for creating three dimensional “**3D cover where, when placed over the object, the cover material substantially covers a top portion of the object”** In contrast, in Crispi, column 2, lines 15-18, it states “...the object of the present invention to provide a holder which can easily be affixed to a standard tissue box and which can easily be fitted with a waste receptacle bag to receive soiled tissues.” The invention in Crispi as described and shown in Figure 7, is a tissue box holder with waste bag. This holder does not cover a top portion of an object, as Applicant's invention is intended for. Furthermore, Applicant's **joining, with a seam** is not anticipated by Crispi. In contrast, Crispi, in column 2, lines 43-45, states “Notched ends of the encircling arms provide a means to lock the unit around the tissue box.” The invention in Crispi is intended for ease in assembly, hence the teaching of the notched ends. As such, one skilled in the art would not be taught the seam joining of Applicant's invention. Furthermore, Applicant's seam joining forms the structural surface where the **structural surface is collapsible and capable of naturally restoring the 3D shape.** In Crispi it states, in column 2, lines 31-33, “The holder folds flat when not in use and can easily be stored in a drawer or cabinet.” There is no teaching in Crispi that the holder is capable of naturally restoring a 3D shape. The holder in Crispi must be assembled. Also, Applicant's Invention comprises **joining, with a seam, the continuous structural surface to a location on a surface of a substantially two-dimensional (2D), relatively flexible cover material.** In Crispi, the opening of the waste receptacle bag is held in place by a back wall and there is no structure joined, with a seam, to a surface of the bag.

For the numerous reasons stated above, Applicant does not believe that Crispi anticipates Applicant's invention as claimed in amended claim 14. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 102(b) rejection of claim 14.

In regards to claim 20, Applicant has herein amended claim 20 to now recite in relevant part,

“...the first structural material joined, with a double seam, with either a second end portion of the first structural material or an end portion of a second relatively stiff, thin and flat structural material, whereby the first and second structural materials are sized and joined such that the resulting first continuous structural surface has a desired 3D structural shape and the first continuous structural surface is collapsible and capable of naturally restoring the desired 3D structural shape when the first continuous structural surface is deformed; and

the first continuous structural surface joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape resulting in the 3D cover where, when placed over an object, the cover material substantially covers a top portion of the object...”

Support for this amendment may be found in the specification in paragraphs [0036] and [0039] and in the figures. Applicant’s invention is directed to a “**3D cover where, when placed over the object, the cover material substantially covers a top portion of the object**” In contrast, in Crispi, column 2, lines 15-18, it states “...the object of the present invention to provide a holder which can easily be affixed to a standard tissue box and which can easily be fitted with a waste receptacle bag to receive soiled tissues.” The invention in Crispi as described and shown in Figure 7, is a tissue box holder with waste bag. This holder does not cover a top portion of an object, as Applicant’s invention is intended for. Furthermore, Applicant’s invention includes a “**(2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape resulting in the 3D cover where, when placed over the object, the cover material substantially covers a top portion of the object**.” The Examiner has equated the waste receptacle bag 19, of Crispi, to Applicant’s cover material. The waste receptacle bag is intended to receive soiled tissues for disposal. In column 3, lines 10-12, it states, “The waste bag is not emptied but is removed and disposed of with the soiled tissues...” One

skilled in the art would not be taught by Crispi's disposable waste bag to provide Applicant's cover material to be placed over an object to substantially cover a top portion of the object. Furthermore, Applicant's structural surface is **joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material.** In Crispi, the opening of the waste receptacle bag is held in place by a back wall and there is no structure joined, with a seam, to a surface of the bag. Also, the bag does not support the 3D structural shape. Furthermore, Applicant's structural material is **joined, with a double seam.** In contrast, Crispi, in column 2, lines 43-45, states "Notched ends of the encircling arms provide a means to lock the unit around the tissue box." The invention in Crispi is intended for ease in assembly, hence the teaching of the notched ends. As such, one skilled in the art would not be taught the seam joining of Applicant's invention. Also, Applicant's **structural surface is collapsible and capable of naturally restoring the 3D structural shape.** In Crispi it states, in column 2, lines 31-33, "The holder folds flat when not in use and can easily be stored in a drawer or cabinet." There is no teaching in Crispi that the holder is capable of naturally restoring a 3D shape. The holder in Crispi must be assembled.

For the numerous reasons stated above, Applicant does not believe that Crispi anticipates Applicant's invention as claimed in amended claim 20. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. 102(b) rejection of claim 20.

REJECTION OF CLAIMS 1, 4, 6- 20 UNDER 35 USC §103(a)

In the Office Action, the Examiner rejected claims 1, 4, and 6-20 under 35 U.S.C. 103(a) as being unpatentable over Clarke-Bolling et al '983 in view of Fascio '669. The examiner states, "The reusable gift wrap 4 of Clarke-Bolling et al defines a flexible 2D object cover with the 3D object defined by the bow. To have formed the bow of a laminated material in the manner of Fascio to protect it for reuse would have been most obvious. Note that the laminate provides the plastic sheeting as claimed and is considered to be a relatively stiff material when laminated. Adhesive is considered to be equivalent to gluing."

Applicant respectfully disagrees. Applicant has herein amended claim 1 to now recite in relevant part,

"...first continuous structural surface being joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape at the location resulting in the 3D cover ..."

In Clarke-Bolling et al, the bow 15 is formed at an end 14 of ribbon 5, as shown in FIG. 2. In column 4, a line 10-18, the description of how the bow is formed involves using just one end of the ribbon, looping and folding to form the bow. In contrast, Applicant's invention claims "...**a first end portion** of the first structural material joined, with a seam, with either **a second end portion** of the first structural material or **an end portion** of an appropriately sized second relatively stiff, thin and flat structural material thereby forming the 3D structural shape..." Applicant's claimed invention requires joining at least two end portions to form the 3D structural shape. Furthermore, Applicant's structural surface is **joined, with a seam, to a location on a surface of** the cover material where the **cover material further supports the 3D structural shape at the location.** The ribbon in Clarke-Bolling et al is attached at an edge of the fabric wrap and the bow can be later attached to the surface of the wrap after an object is wrapped using an adhesive. There is no teaching that the wrap further supports the 3D structure of the bow. In regards to Fascio, Fascio teaches bows formed from a laminated material and a cord for attaching to a box. Applicant believes that Clarke-Bolling et al and Fascio do not teach or suggest the features of Applicant's claimed invention. Moreover, not only does the cited prior art, alone or in any combination, not teach, suggestion, or motivation this claimed feature, but it should be further noted that unlike the cited prior art, the desired 3D structural shape is created and supported through the strategic joining a multiplicity of a carefully chosen thin, but relatively firm backing material pieces with various seam directions between the joined backing material pieces, a multiplicity of desired 3D supporting structures can be arbitrarily constructed. In this way, **it is the properly implemented seam according the teachings of the present invention that**

enables this embodiment helps to achieve its claimed structure and function. Thus, the seam method with backing material is instrumental in forming the 3-D structure, and is not just an adhesive means as in the prior art. The same novelty of the seam set forth here equally applies to all arguments about the seam discussed below. Please see paragraphs 0024 and 0028 for specification support. Hence, Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 103(a) rejection of claim 1.

In regards to claims 4, and 6-13, these claims are written in dependent form and depend from claim 1. As such, claims 4, and 6-13 have at least all of the limitations of claim 1 and are not anticipated or suggested by Clarke-Bolling et al and Fascio. Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 103(a) rejections of claims 4, and 6-13.

In regards to claim 14, Applicant has herein amended claim 14 to now recite in relevant part,

“...joining, with a seam, the continuous structural surface to a location on a surface of a substantially two-dimensional (2D), relatively flexible cover material where the cover material further supports the 3D structural shape resulting in the 3D cover where, when placed over the object, the cover material substantially covers a top portion of the object.”

In Clarke-Bolling et al, the bow 15 is formed at an end 14 of ribbon 5, as shown in FIG. 2. In column 4, a line 10-18, the description of how the bow is formed involves using just one end of the ribbon, looping and folding to form the bow. In contrast, Applicant's invention claims “**...joining, with a seam, a first end portion** of the first structural material either with a **second end portion** of the first structural material or an **end portion** of an appropriately sized second relatively stiff, thin and flat structural material, thereby forming a continuous structural surface comprising a 3D shape...” Applicant's claimed invention requires joining at least two end portions to form the 3D structural shape. Furthermore, Applicant's invention requires **joining, with a seam, the continuous structural surface to a location on a surface of a substantially two-dimensional (2D), relatively flexible cover material where the cover material further supports the 3D structural shape.** The ribbon in Clarke-Bolling et al is attached at an

edge of the fabric wrap and the bow can be later attached to the surface of the wrap after an object is wrapped using an adhesive. There is no teaching that the wrap further supports the 3D structure of the bow. In regards to Fascio, Fascio teaches bows formed from a laminated material and a cord for attaching to a box. Applicant believes that Clarke-Bolling et al and Fascio do not teach or suggest the features of Applicant's claimed invention. Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 103(a) rejection of claim 14.

In regards to claims 15-19, these claims are written in dependent form and depend from claim 14. Claims 15 and 16 were cancelled in a previous amendment. As such, claims 17-19 have at least all of the limitations of claim 14 and are not anticipated or suggested by Clarke-Bolling et al and Fascio. Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 103(a) rejections of claims 17-19.

In regards to claim 20, Applicant has herein amended claim 20 to now recite in relevant part,

...first continuous structural surface being joined, with a seam, to a location on a surface of a substantially two-dimensional (2D), sufficiently flexible cover material where the cover material further supports the 3D structural shape at the location resulting in the 3D cover ..."

In Clarke-Bolling et al, the bow 15 is formed at an end 14 of ribbon 5, as shown in FIG. 2. In column 4, a line 10-18, the description of how the bow is formed involves using just one end of the ribbon, looping and folding to form the bow. In contrast, Applicant's invention claims "...**a first end portion** of the first structural material joined, with a double seam, with either **a second end portion** of the first structural material or **an end portion** of an appropriately sized second relatively stiff, thin and flat structural material thereby forming the 3D structural shape..." Applicant's claimed invention requires joining at least two end portions to form the 3D structural shape. Furthermore, Applicant's structural surface is **joined, with a seam, to a location on a surface of** the cover material where the **cover material further supports the 3D structural shape at the location.** The ribbon in Clarke-Bolling et al is attached at an edge of the fabric wrap and the bow can be later attached to the surface of the wrap after an object is wrapped

using an adhesive. There is no teaching that the wrap further supports the 3D structure of the bow. In regards to Fascio, Fascio teaches bows formed from a laminated material and a cord for attaching to a box. Applicant believes that Clarke-Bolling et al and Fascio do not teach or suggest the features of Applicant's claimed invention. Applicant respectfully requests Examiner to withdraw the 35 U.S.C. 103(a) rejection of claim 20.

OTHER CITED REFERENCES

The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all rejections have been overcome and a Notice of Allowance for this application is respectfully requested from the Examiner. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant believes that no extension fees are due in connection with this filing; however, Applicant hereby petition for an extension of time which may be required to maintain the pendency of this case, and for any required fee for such extension or any further fee required in connection with the filing of this Amendment, the Commissioner is hereby requested to notify Applicant of any payment due that is not otherwise paid with this letter.

Respectfully submitted,
Bay Area Intellectual Property Group, LLC



Ariel Bentolila
Registration No. 52,614

BAY AREA INTELLECTUAL PROPERTY GROUP, LLC

P.O. Box 210459
San Francisco CA, 94121-0459
Telephone (415) 515-3005